

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE

2004 JUL -1 P 4:27

Jeffrey J. HENSON and
Jenny HENSON,

Plaintiffs,

v.

Alan LeBovidge as COMMISSIONER OF
REVENUE for the COMMONWEALTH OF
MASSACHUSETTS, CHIEF ADMINISTRATIVE
JUSTICE of the MASSACHUSETTS TRIAL
COURT, Sheryl PATE, and the UNITED
STATES of AMERICA,

Defendants.

CIVIL ACTION
NO. 04-10514-NG

**DEFENDANTS ALAN LEBOVIDGE, AS COMMISSIONER OF REVENUE
FOR THE COMMONWEALTH OF MASSACHUSETTS, AND CHIEF ADMINISTRATIVE
JUSTICE OF THE MASSACHUSETTS TRIAL COURTS' MOTION FOR LEAVE TO
FILE OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION LATE**

Alan LeBovidge, as the Commissioner of Revenue, and the Chief Administrative Justice of the Trial Court ("State Defendants"), hereby file their Motion for Leave For Late Filing of their Opposition to Plaintiffs' Motion for Preliminary Injunction, filed by Jeffrey J. Henson and Jenny Henson ("Henson" or "Hensons"). As grounds for this Opposition, the State Defendants state that, due to the work and scheduling demands of the State Defendants' counsel, the Opposition has been delayed, but is being filed herewith. Furthermore, the State Defendants state, as set forth in their Memorandum in Support of their Motions to Dismiss and in Opposition to the Motion for

Preliminary Injunction, that there are several significant reasons to deny the Hensons' motion for preliminary injunction and to dismiss the Verified Complaint in its entirety.

Accordingly, in the interest of fundamental justice, the arguments of the State Defendants in opposition to this requested relief should be considered.

Respectfully submitted,

ALAN LEBOVIDGE, AS COMMISSIONER OF
REVENUE FOR THE COMMONWEALTH OF
MASSACHUSETTS, AND CHIEF ADMINISTRATIVE
JUSTICE OF THE MASSACHUSETTS TRIAL
COURTS,

By their attorney

THOMAS E. REILLY
ATTORNEY GENERAL

Steven E. Thomas, BBO# 496465
Assistant Attorney General
Government Bureau
One Ashburton Place, Room 2019
Boston, MA 02108-1698
(617) 727-2200, ext. 2085

Certification Pursuant to Local Rule 7.1(a)(2)

I, Steven E. Thomas, Assistant Attorney General, hereby certify that I have conferred with the plaintiffs' counsel in the past relative to this case. On July 1, 2004, I again attempted to confer with counsel in a good faith effort to narrow or resolve the issues raised in the above motion, but was unable to reach plaintiffs' counsel. Consequently, I have been unable to resolve or narrow the issues raised in the above motion.

Dated: July 1, 2004

Steven E. Thomas

